

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 4, 2002

IN RE:

PETITION OF UNITED CITIES GAS FOR  
APPROVAL OF VARIOUS FRANCHISE  
AGREEMENTS

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DOCKET NO. 00-00562

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ORDER GRANTING MOTION TO INTERVENE FILED BY  
THE CITY OF MORRISTOWN

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On November 27, 2001, the City of Morristown, Tennessee ("Morristown") filed a *Motion to Intervene* in this matter, along with a *Memorandum in Support of the City of Morristown's Motion to Intervene*. In its *Motion to Intervene*, Morristown states that "it is so situated that the disposition of this matter may impair or impede its ability to protect its interests in the Franchise Agreement entered into with United Cities Gas Company and its interests are not adequately represented by the existing parties."<sup>1</sup>

On November 30, 2001, the Consumer Advocate and Protection Division of the Office of Attorney General (the "Consumer Advocate") filed the *Attorney General's Response to the City of Morristown's Motion to Intervene*. Although the Consumer Advocate addresses at length the discussion of the issues in this docket contained in Morristown's *Memorandum*, the Consumer Advocate does not object to Morristown's request for permission to intervene or otherwise suggest that Morristown should not be

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<sup>1</sup> *Motion to Intervene*, November 27, 2001.

granted intervention.

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions for intervention:

**4-5-310. Intervention**

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

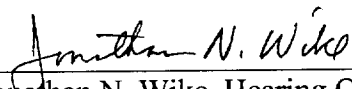
- (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
- (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
- (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

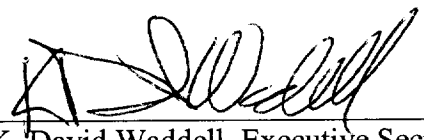
The Hearing Officer finds that the petition for intervention filed by Morristown complies with the requirements of Tenn. Code Ann. § 4-5-310. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention. Pursuant to Tenn. Code Ann. § 4-5-310, Morristown's *Motion to Intervene* is granted.

**IT IS THEREFORE ORDERED THAT:**

1. The City of Morristown, Tennessee is hereby given leave to intervene and receive copies of any notices, orders or other documents herein.
2. Any party aggrieved by the decision of the Pre-Hearing Officer in this matter may file a Petition for Appeal with the Tennessee Regulatory Authority within

fifteen (15) days of the date of this Order.

  
Jonathan N. Wike, Hearing Officer

  
K. David Waddell, Executive Secretary